

REMARKS

All claims of the present application have been rejected as being anticipated by Bloomfield, Publication No. US 2005/0012965 (hereinafter "Bloomfield"). Responsive to the rejection Applicant has amended independent claims 1 and 10 to further clarify the nature of the invention and distinguish it over the Bloomfield reference. With such amendment it is believed that all claims are allowable.

As amended, the present claims recite a method for the transmission of data, such as image data, in which, as a first step, an intended data transmission of conventional character, including a portion intended to be received by a recipient (such as a fax image), and an associated handshake data file is prepared. The handshake data file is then modified by inserting therein data identifying the address of the intended recipient and message tracking data. See, e.g., Specification p. 6, lines 20 -25. The data transmission is then transmitted over a transmission system to a point of presence facility, which receives the data transmission and retransmits the data comprising the intended delivery portion, typically an image portion, to the identified address of the recipient.

Bloomfield discloses an image delivery system which similarly provides information regarding an intended recipient and transmits both the original data transmission and the recipient information. However, Bloomfield's additional information is generated by its "fax interface device" which, while it coordinates with a conventional fax device that creates the image to be transmitted, creates and delivers address-identifying data in a separate transmission. The image-carrying transmission from the fax machine, which includes both an image data portion and a handshake data file, are not altered.

Bloomfield neither teaches nor suggests that a portion of the original data transmission for which the delivery instructions are provided is to be altered by the inclusion therein of delivery data. This distinction can be further appreciated by consideration of Bloomfield at paragraphs 0059 *et seq*, which describe the front-end process performed by the fax interface device 102. It discloses that the fax interface device monitors the conventional fax device 106 to determine if the fax is ready for sending. If so, it instructs the sender to enter an email address for the intended recipient. The interface device then interacts with the fax server 110 (corresponding to the present invention's point of presence device) to forward the entered email address and to precondition the system for subsequent transmission of the entire fax transmission from the fax image device (0061). The delivery information is sent independently of the fax data transmission. It is only when the fax interface device receives confirmation from the fax server that the delivery information has been received that the interface device dials a telephone number of the gateway to permit transmission of the fax in a conventional manner, the transmitted fax including both image and handshake data portions in their original form.

Bloomfield requires that its point of presence apparatus be both capable of receiving the independent delivery information transmitted by the interface device, as well as a standard fax transmission, which is delivered only after the delivery information is separately and independently received by the point of presence device and confirmation thereof is returned to the interface device to allow it to commence transmission of the fax. The present invention, on the other hand, imbeds the delivery information into a handshake file which is part of the original data transmission, such as a fax, and does not require the point of presence facility to separately receive and process the delivery information for subsequent fax receipt. The delivery information

is part of the original intended (and now modified) data transmission. Bloomfield provides no suggestion whatsoever that its delivery information can be inserted into an original image or other data transmission itself, and solely contemplates the use of its interface device which separately and independently provides recipient information to a point of presence facility for use in conjunction with a subsequently transmitted data transmission.

Withdrawal of the rejection and passage to allowance is solicited.

Respectfully submitted,

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